

SOME  
OBSERVATIONS  
Upon the Late  
TR Y A L S  
O F

Sir GEORGE WAKEMAN, CORNER  
and MARSHAL, &c

---

By *Tom. Tickle-foot* the Taborer, late Clerk to  
Justice *Clodpate*.

---

— *In tempore dicere verum*  
*Quis vetat?*

---

L O N D O N,  
Printed for *A. Brewster*. 1679.

SOME

# OBSERVATIONS

Upon the Late

# TRIALS

OF

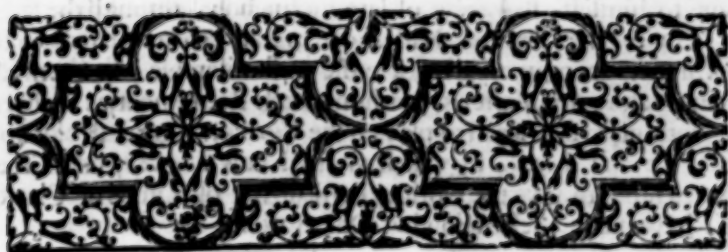
By GEORGE WALKER, COXNER  
AND MARGARET, COX

By Tom Thistle for the Tabor, late Clerk to  
Justice of the Peace.

In response to a  
Question.

LONDON,

Printed for A. Wood, 1879.



SOME  
OBSERVATIONS

Upon the Late

TRYALS

OF

*Sir George Wakeman, Corker, and Marshal, &c.*

**T**He Reader may perhaps wonder why I should wave the Employment of Clerking to a *Westminster* Justice, who seldom are of the wisest; and turn Minstrel; but upon serious thoughts he will respect me for my Integrity, and give greater faith to what I shall offer now; for to say the truth, the methods of my former life were so villainous, in order to my Calling, as I could no longer dispense with them; for I was forced to inform my master's Worship of all the Bawdy-Houses within his District, which by that means were all set under Contribution, and

A 2 out

out of their Compositions for Enormities I had Poundage, which was all my subsistence; for his Worship engrossed all the Warrant-Revenue to himself, so I grew of late melancholy, through the failing of Trade, the private Misses driving all before them, that publick Sinners are now of all people the most miserable; so I retired some time before my Master's death, in which Retirement, as Barbers having nothing to do, learn to play on the *Cittern*, I got a stroke upon the Pipe and Tabor, by which means I now live very comfortably, yet willing to give the world a Taste of my old Office of Clerkship, I have made these following Observations.

The first part of the Tryal was spent in the examination of *Dugdale*, *Prance* and *Fennison*, to prove the Plot, so to obviate the common objection, that it was unreasonable to believe two men against so many, upon bare testimony without other Circumstantial Evidence, that was done with such notoriety, as satisfied all unprejudiced persons: amongst other things it was proved by a undeniable Witness, *Mr. Fennison*, corroborated with notable Circumstances, that *Ireland* died with a Lye in his Mouth, as by consequence *Sir John Southcot* and his Lady lives with the same veracity, which my old Master would have made another kind of use on than was made; then was some fine Harangues about it to answer some Objections, yet nothing was reduced to practise in the Case, during that part of the Tryal in which the Prisoners were but remotely concerned; it may be observed, that *Corker* fell into great undecencies of passion, against the Witness *Dugdale*, an argument of Guilt my old Master would have said; yet no Inferences nor Reproofs upon it. Now I have given a short, yet true account of what was but preliminary to *Wakeman's*, and their Tryals, I shall go on, Doctor *Oates* proved, that *Wakeman* refused ten thousand pounds, as too little for poisoning the King, which he termed so great a Work, and afterwards did undertake it for five thousand more, as it was written down in the Entry Book, kept sometimes at *Wild House*, sometimes at *Langborne's* Chamber; and further, as appeared by the said Entry Book, there was five thousand pounds paid in part, and a Receipt subscribed, *George Wakeman*, which by a comparison of Hands was sworn to be *Sir George's* Hand, which *Sir George* shifted off by the help of an Apothecary, as he thought well enough; yet granting the Apothecary to say true, which is questionable too, for they are often slippery Chapmen, especially considering former Relations: and future hopes, and *Oates* to swear true, which no wise man will dispute, there might be two Letters, which *Sir George* would flur off, from the improbability of writing two Letters to one thing, and gravely bids the Jury take notice, that he writ but one Letter, he might with the same modesty have advised them not to believe a word against him, yet little notice taken.

The



The improbability of writing two Letters to one thing seemed to weigh something with the Lord Chief Justice: Though not so with Justice *Pemberton*, who said it might be so, *To serve a turn very well.*

It was proved likewise by Doctor *Oates*, that *Wakeman* had a Commission to be Physician General to the new Army, which my Lord Chief Justice had like to have forgotten.

Amongst other matters, *Bedlow* deposed, that Sir *George Wakeman*, came into *Harcourt's* Chamber in a Chase, and told him, he knew not whether he should go on or no, *Harcourt* went to his Cabinet, and took out a Bill, and asked Sir *George* if he was ready; Sir *George* said he was, and had been long since, but they were not particular with him. But what have you there a Bill for two thousand pounds at your service, replies *Harcourt*; which Bill Sir *George* accepted, and afterward told *Bedlow*, that the Goldsmith had allowed of it, and would pay him in the Afternoon, when *Wakeman* objected, it was not likely he should discover so great a secret upon so small an acquaintance: *Bedlow* replied, he would have a hundred times more, if *Harcourt* had but told him he was his Confident, as he had done then. *Wakeman* rambled out into a passion, and swore, that he never saw him in all his life, yet *Bedlow* made it out by circumstances, that he had taken Physick of him at the Bath; and that acquaintance he did not deny, but called him Rogue, &c. Before the Prisoner called his Witness, it may be observed, that the Lord Chief Justice said, that *Bedlow*, the second Witness, said no material thing against *Wakeman*, but only some Circumstantial about a two thousand Bill, but not said for what, some things about the Queen his Lady and Mistress.

Sir *Robert Sawyer* replied under favour, and began to sum up *Bedlow's* Evidence, so the Lord Chief Justice seemed not pleased; and answered what is all this? call Mr. *Bedlow* again, to whom he made a godly speech about innocent Blood, and bade him give his evidence anew, who gave what is above said. Sir *George* replied, what if the Queen had given me two thousand pounds for my service done her, is that any harm? I have deserved I am sure for nine years Service; yet a little before a protestation before God he never saw *Bedlow*, a likely matter, as if an absolute Stranger should come to the knowledge of such a Money-Circumstance; and agree in the Sum too: *Bedlow* went on, and swore, that *Harcourt* said to Sir *George*, This must be well followed, and closely observed, because much depends upon it: For if we should miss to kill him at Windsor, or you miss in your way; then we will do it at New-Market. The Lord Chief Justice made *Bedlow* repeat the words again, which he did, only interposing (Which we hope you will not:) The Lord Chief Justice replied very modestly, he says now quite another thing; but was contradicted by the Lord Chief Justice *North*; the Recorder, & Sir *Robert Sawyer*, & submitted to it most Christianly.

Then *Bedlow* went on, and swore, that *Sir George Wakeman*, in his hearing, declared his consent ; and that it was one entire discourse, upon which the Knight, as well he might, said to the Prisoners, *Then is my business done*, and he had been a true Prophet, if either Wit or Honesty had exercised a due dominion over the Jury : Now if my old Master *Clodpate* had been on the Bench, he would have hung hard upon that expression, as also upon *Sir George's* allowing of two thousand pounds to be paid for Wages, he would have swaggared it, and have said, this is not to be said to us that know the Methods of the Court, never to pay so much Wages at a time, they always instal such Summs ; you might however have brought some other authority besides your self, which can deserve no credit here, when it is clear by all Circumstances, you invoked God to witness to a Lye, about your never seeing *Bedlow* within these ten Minutes.

Against *Corker*, *Oates* deposed, that he saw his Patent from *Rome* to be Bishop of *London* ; that he was privy, and did consent to *Langborne's* Proposal to the *Benedictine* Monks, to advance six thousand pounds towards carrying on his Design, his consent being necessary, because he was President ; and that *Corker* should say further, that he carried on the Design under the disguise of bestowing the Queen's Charity ; and that he did except against *Pickering* being chosen to kill the King, being that a mere Lay-man was more proper. Mr. *Marshall* was charged with the same thing, and that *Marshall* went half with *Conyers*, who layed a Wager that the King would eat no more Christmas's Pyes.

*Bedlow* deposed further against *Corker*, that he had heard him discourse about raising an Army, but nothing positively to the Murder of the King. *Bedlow* accused *Marshall* much about that rate ; but *Marshall* not being shy of his lip-labour, fell to impertinent questioning him, about his knowing him, but was confuted, but not at all ashamed in his Lyes by *Sir William Waller*, who was sworn in the Case ; but *Marshall* with a company of soft words, would have persuaded *Sir William* that he forswore himself ; the Priest surely loved to hear himself prattle, to spend so much time to the wasting of his credit, about a thing which was not of a Farthing Concern, true or false : then he asked *Bedlow* whether he had ever seen him before he was taken. Who said, at the *Savoy*. Then with an unheard of impudence he replied, he would be content to be hanged, if *Bedlow* could prove, that he was ever at the *Savoy*. *Bedlow*, though he had none by to prove that, as perhaps he would have been in the same case, if he had been to have proved himself ever to have been in *Westminster-Hall*, as the *L. C. J.* intimated ; yet he did it by a sufficient Circumstance, when he gave *Sir William Waller* directions where to search for the Gun that was to have killed the King, which was found accordingly. This is now the substance of what the Prisoners, *Wakeman*, *Corker*, *Marshall* were charged with : the other, *Rumley* had but one Witness against him, so went off on course, Sir

*George*

George now called his Witness, the Chief was *Chapman* the Apothecary, of which I have given a former account. Then was his man *Hunt*, and *Elizabeth Henningham* called, who talked at the Apothecary's rate; so that *Oates* was not at all contradicted by them, but they might both say true, and that the C. J. told them. Then *Sir Philip Loyd* was called upon by *Sir George Wakeman*, to adjust what Doctor *Oates* should say at the Council Table, who said, but not upon Oath, that when *Sir George* was called in before the Council, and told of his Accusation, he utterly denyed all, and did indeed carry himself as if he were not concerned at the accusation. Then *Oates* was called in to tell what he knew further; for as yet he had given but a hear-say evidence (as my old Master used to term it) he replied with lift up hands, *God forbid (for I must tell truth, says Sir Phil. Loyd, let it be what it will) that I should say any thing against Sir George Wakeman; for I know nothing more against him.* *Oates* replied, he knew nothing at all of this. *Sir George* triumphed, and cryed, this is a Protestant Witness. Now had old Justice *Clodpate*, my old Master, been upon the Bench, he would have taken up the Knight, and told him, he had given a very officious Testimony; for he was to tell only what *Oates* said at that time, and not to pretend to skill in Physiognomy; for he was not mealy mouth'd, but would upon occasion have talked his mind to Knights, or any Body, and would have said further, it appears to me, and may appear to any body else, that this Knight has as great a kindness for *Sir George*, as for truth, and bidden the Jury have observed accordingly; he would not have left there neither, for he would have said, admit *Sir Philip* says true, and that is as kind to him as can be, what would *Sir George* infer? that Mr. *Oates* is now tyed up in his Evidence, by no means, for the Case is no more than if a man be brought before a Justice of Peace for stealing a Cow, and that Witness makes a solemn protestation, that he knows no more against him, yet afterwards upon his Arraignment swears to a Horse too, in another Bill of Indictment, the former asseveration is attested by his Worship's Clerk, *quare*, whether that will quit him for the Horse, or ought to be so much as heard in a Court? Besides here has been a late judged Case, *Whitebread* and *Fenwick's*, the Jury was withdrawn for want of full evidence afterwards one of the short came to swear home, and was admitted, the Prisoners found, and executed accordingly, if that was right, as no question it was, because practised, as I have been informed, it must be much more in the right now, to admit of *Oates* his further Testimony; for the Council-Table is no Court of Record as this is.

*Sir Thomas Doleman* was called in for *Oates*, who said, that *Oates* at that time was in great disorder and confusion, and as feeble as ever he saw any body in his life, so as he believed he could not give any body a good answer; and further said, that *Wakeman* was called in, and gave his Answer, at which the Council was amazed,

for



for he did not in his opinion deny it so positively as one that was innocent could, but shuffled matters off with expressions of the great Loyalty and Services to the Crown of himself, and Family, and required reparation for injury done. It seems Sir *Philip* and Sir *Thomas* had different sentiments about Sir *George* his meene. When Sir *Thomas Doleman* had done, Sir *George* unbidden fell into a repetition of what he had said at the Council Table in his defence, which resolved only into a telling what a Gowen he had been for the King, what work his Brother made at *Worcester*; how his Father lost eighteen thousand pounds Estate for the King, how he was in a Plot for the King, was taken at his *Apothecaries*, some Arms found in the Cellar, carried to Prison, and in much danger of being hanged, and how his Family was mighty instrumental in the saving of the King, as Colonel *Gifford*, his Cozen *Carlos*, and that the *Pendrets* were menial Servants to the Family.

Then *Corker* was called, who began with a florid discourse reflecting upon the Witnesses, that they had been men of scandalous lives, and that there was no Plot, which he flourished off as well as he could, but not to any reasonable satisfaction; then he came to trifling about going to *Lamspring* in *Westphalia*, and such other small matters; but at last he said, he was not President of the *Benedictines*; which was material, had it been well proved, for it obviated Mr. *Oates* his Accusation of consenting to the six thousand pounds as President. Then *Marshall* was called to say for himself, who made a great potter about a white spot under his Perriwig, and Sir *William Waller's* ordering him to put it off, and many inferences he would have made, and then made a great stir about Witnesses he could have come within three days, and many good morrows to no purpose. Then *Corker* called his Witness *Nell Rigby*, to prove that he was in the *Savoy* when *Pickering* was taken; and that *Oates* and *Bedlow* did know so much: she likewise averred, that *Stapleton* was President of the *Benedictines*, and *Corker* never officiated as such, and that she saw Mr. *Oates* once in the House, who came a begging to Mr. *Pickering* for charity, and that was in the midst of the Plot, as was made out by circumstance, from whence *Marshall* inferred, it was not likely they should trust him with any thing of that nature, and suffer him to want. This now must be a new contrivance, for it would have been set up before in *Pickering's* Tryal, had there been any thing of truth in it. I now wonder, that none from the Bench set upon that Bitch-Fox, to run down her testimony, for allow that to be true, the Plot is *Non-suit*, *Semel insanivimus omnes*; my old Master would have clawed the three penny Baggage, and told her her own, and likewise have broke her credit with the Jury, by the circumstances, that it was never before offered, a thing that they could not be so careless in, had the thing been true. Now Mistress *Sorddon* was called to prove *Stapleton* President of the *Benedictines*, who accordingly did so. Then *Alice Broadhead* did the same.

Then



Then Dr. *Oates* was called again, but never examined; he is wise that can tell why; without some-body was afraid he should have clear'd the Point, as it was formerly in another case about Mr. *Howard's* Son.

Then the Court asked them if they had done all three? Sir *G. Wakeman* fell to a detesting, forswearing, and abominating the *Plot*, and that he had never a farthing for any such thing. *Corker* much at that rate: And *Marshall* made an Harangue, that had it not been for my Lord Chief Justice *North*, I believe would have lasted till now; it was all full of protestations of the Innocence of the Executed persons; which were fully answered by the Ch. J. *Se.* Who after some little trifling veltations with the Priests, summ'd up the Evidence. In the first part he proved by Mr. *Jenison*, as has been hinted before, that *Ireland* dyed with a lie in his mouth.

Now a man would wonder what he should urge that for, unless to infer, That if dying men in their last breath wou'd lie, why should living persons be believed under their circumstances; especially, when a Jury is free by the Law to do what they will without blemish in the case.

Then the C. J. goes on and sums up *Oates* his Evidence against *Wakeman*, which his Lordship leaving or forgetting all the material Points, makes onely circumstantial: Till Sir *Robert Sawyer* put him in mind of his Commission, seen by *Oates*, to be Physitian to the new Army; and then his Lordship goes on, and allowes that, as likewise that he refused 10000 l. and would have 15000 to do the Work; but with an unusual sweetness, leaves the Truth with the Jury, and then falls most Religiously into a declarement against shedding innocent blood: which he did so pathetically, as no man would judge him to be the Son of a Father, who, as Moderns say, was not very scrupulous in that point.

Then he goes on to Mr. *Bedlow's* Evidence, and though he summ'd it up a little short, yet he makes him a second Witness against *Wakeman*, if the Jury will believe him. Now considering these [Ifs] were never put before, why the Devil should they now, would Old Clodpate have said; and so say I Tom Tickle-foot.

And then the Chief Just. prayes the Bench in ayd, if he had forgotten any thing material.

Then his Lordship was pleased to say the Evidence against *Corker* was not full, so as to prove any Fact, but only some Words; and that he was not President of the *Benedictines*, his Lordship affirmed from the Testimony of three Fling-stinks, without any manner of hint to the Jury, that they were not upon their Oaths, The Charge against *Marshall*, his Lordship said was rather less then against *Corker*, and so accordingly lightened it, as became him.

Then he comes to Sir *Phillip Lloyd's* Testimony, which he laid as great a stress upon, as it would naturally bear; and so as to invalidate any further testimony against Sir *George Wakeman*, his Lordship was pleased to name Sir *Thomas Doleman's* Evidence, but with so little respect, as he might have, as decently, let it alone: And to invalidate *Oates* his Testimony further, he takes notice that he was begging, without intimation to the Jury, of any probability of the matter, which must utterly destroy Mr. *Oates* for the future; for nobody that believes that, can believe any thing he says of the *Plot*. And then after a Pious Exhortation to the Jury to take care of Innocent blood, he concludes, telling them, *That if they believe Oates and Bedlow, they may do well to find, otherwise not.*

*Bedlow* charged the Chief Justice for not summoning up his Evidence right; Who only replied, He knew *not by what authority this Man speaks*. I shall only make this Observation upon his Lordship, In all former Tryals he went on without the least hesitation or running the same over again, as he did not in this, especially about the concern of innocent blood: But by all that's good, it was my Old Master *Clodpate's* disease, peace be with him, alwayes to Sham up an Evidence when any body had bin with him the Morning before.

About an hour after the Jury returned and brought e'm in not guilty; but according to their abundance of want of understanding, enquired whether they might not bring e'm in guilty of Misprision or no? Now could such a thing come into their politique pates, had they understood what the word meant? for that implies a knowing of, but not consenting to a Treason. Now there was no manner of colour for such a thing; for the Evidence was full, if they believed them, as to absolute Treason: If not, why would they think of any thing but Acquittal? But it may be they knew not the force of the word, which led them into that Errour; I'm sure that's their best Plea; otherwise they must yield themselves to be great berrayers of their Nation, and ly under a damn'd suspicion of being foully practised upon; Especially if that be true that runs about in Coffee-Houses, That a Gentleman, that went out amongst e'm, had a sealed Paper of 50 Guineys thrust into his hand.

They say in the *North*, That a Jury consists of Eleven Fools and a Knave. Now those of the *South*, as being more refined Wits, are of a nobler consistence, as having more of the Knave in them. For had they had a mind to have examined matters, and not barely to have acquiesc'd in outward appearance, they might have considered, That *Oates* and *Bedlow* did not swear by practice like the Boys of *St. Omers*, from this circumstance, That *Rumley* had but one Witness against him. Now had Hanging, and not Truth been the designed matter, how easie a thing had it been for Captain *Bedlow* to have agreed with *Dr. Oates*, and  
made

made up two witnesses against *Rumley*, is obvious to every considering Capacity, and might have play'd such a prank formerly to have serv'd a turn, when they were list'd amongst the Pope's *Mamalukes*.

It is no small wonder, I confess, to *Tom Ticklefoot*, that no body from the Bench nor Barr hinted that Circumstance ; my Old Master *Clodpate* would have been hanged before he would have missed such a Barn-dore.

I am more particular in this, to the end that circumstance of their not Combining, may induce Juries for the future, to look upon them, as Men that swears onely according to the dictates of Truth, notwithstanding the Sham Tale of the Doctor's begging at *Pickering's*.

---

**F I N I S.**

---